

Appl. No. 10/799,163  
Amendment and Response to Restriction Requirement  
Page 4 of 5

**REMARKS**

The present invention relates to compositions and methods for preventing or reducing cancer and hyperproliferative disorders by administering to a human or animal an effective amount of a growth factor vaccine composition.

Claims 1-4 were pending in the above-identified application. In response to the Office Action dated March 24, 2006, and in order to facilitate prosecution, Claims 1 and 2 are withdrawn herein. Claims 5-11 are added. Claims 3-11 are now currently pending. For purposes of rejoinder of the method claims, withdrawn Claim 1 is amended herein to depend from composition Claim 3. The remaining method claim depends from Claim 1, now amended. No new matter has been added. Applicants submit the following remarks in an effort to address the rejections raised in the Office Action.

***Restriction Requirement***

In the Office Action dated March 24, 2006, the Examiner requested restriction to one of the following inventions as required under 35 U.S.C. 121:

Group I. Claims 1-2, drawn to a method of preventing or reducing cancer comprising the administration of a growth factor vaccine composition, wherein the composition comprises SEQ ID NO:10, classified in class 514, subclass 2.

Group II. Claims 3-4, drawn to a composition comprising SEQ ID NO:10, classified in class 530, subclass 300.

The Examiner stated that the inventions of Group I and II are patentably distinct from each other and have acquired separate status in the art, requiring independent searches. Further, the Examiner stated that Inventions I and II are related as between product and process claims. Applicants respectfully traverse the Examiner's restriction requirement. Applicants submit that the claims of Group I include the composition of Group II, and therefore, any search of Group I should necessarily encompass Group II. However, in order to facilitate prosecution, applicants herein elect Group II and have amended the claims of Group I for purposes of rejoinder. Applicants understand that in the event a product claim is subsequently found allowable, withdrawn process claims that depend from or otherwise include the limitations of the allowable product claim will be rejoined in accordance with the provisions of MPEP 821.04.

Appl. No. 10/799,163  
Amendment and Response to Restriction Requirement  
Page 5 of 5

Applicants further reserve the right to file divisional applications on the remaining subject matter contained in the claims of Groups I and II at a later time.

**CONCLUSION**

The foregoing is submitted as a full and complete response to the Office Action mailed March 24, 2006. In view of the foregoing amendments, applicants are of the opinion that Claims 3-11 are now in condition for allowance. Such action is respectfully requested.

If the Examiner believes any informalities remain in the application which may be corrected by Examiner's Amendment, or there are any other issues which can be resolved by telephone interview, a telephone call to the undersigned attorney at (404) 745-2463 is respectfully solicited.

Respectfully submitted,



Sima Singadia Kulkarni  
Reg. No. 43,732

KILPATRICK STOCKTON LLP  
1100 Peachtree Street, Suite 2800  
Atlanta, GA 30309-2463  
Telephone: (404) 815-6500  
Docket No. 05213-0077 (296614)